



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 16, 2010

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request – 2010 PAC 6715

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Village of Schaumburg Police Department (Department) of its intent to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA). The Department seeks to redact the name of an individual identified in Police Report #10-05328.

██████████ submitted a FOIA request on April 8, 2010, requesting a copy of Police Report #10-5328. In its written notice, the Department asserted that the name of an individual contained in the requested report was exempt from disclosure under Section 7(1)(c). The Department states that the named individual was never arrested and that release of his or her identity would damage that individual's reputation. In addition, the Department submitted to our office unredacted copies of the records. The investigation file indicates that it has been closed and the named individual was never charged or arrested with respect this matter.

Determinations

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The Department's use of the exemption in 7(1)(c) with regard to the name of the individual is approved. We have determined that the disclosure of the individual's identity would constitute a

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clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c). The subject individual was never arrested or charged with regard to this matter and the investigation has since been closed. Being named in records relating to a crime is highly personal and objectionable to a reasonable person, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Department's use of the exemption in 7(1)(c) with regard to the date of birth is also approved. We have determined that the disclosure of an individual's date of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c). This type of information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the Department may issue a partial denial letter directly to [REDACTED] and release the records to him with the individual's name and date of birth and identifying information redacted.

If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Analia Rioja
Chief Deputy Public Access Counselor

cc: